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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 GRACE MILES,

No. C-08-4091 MMC

12 Appellant,

**ORDER DENYING APPELLANT'S  
REQUEST FOR RELIEF; DISMISSING  
ACTION**

13 v.

14 ROYCE LEE MAKISHIMA, et al.,

15 Appellees.  
16 \_\_\_\_\_/

17 Before the Court is appellant Grace Miles's ("Miles") "Request for Relief," filed May  
18 15, 2009, by which Miles requests an extension of the May 15, 2009 deadline to file her  
19 opening brief in the above-titled action. The instant request represents Miles's fifth request  
20 for an extension of such deadline, which deadline was originally November 6, 2008.

21 In support of the instant request, Miles states she has a heart condition and that her  
22 "symptoms [are] much worsened." (See Miles Decl. ¶ 4.) Miles further states she is  
23 "working diligently" to obtain counsel but "[has] yet to secure . . . help" (see id. ¶ 7) and that  
24 she is being "stalked" and "harassed" by appellees (see id. ¶ 9). Miles has relied  
25 repeatedly on these same grounds as the bases for her requests for extensions. (See  
26 filings of October 3, 2008, February 17, 2009, and April 24, 2009.)<sup>1</sup> Nothing in the record,  
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28 <sup>1</sup>In her filing of December 5, 2008, Miles's request for an extension was based solely  
on her pro se status. (See filing of December 5, 2008.)


1 however, suggests Miles is likely to succeed in her quest for counsel or that her health  
2 problems will soon improve, and, indeed, Miles has made no additional showing in that  
3 regard in the weeks following the instant request. Nor has Miles shown that any alleged  
4 "stalking" or "harassment" constituted anything more than a few incidences of what would  
5 appear to be ordinary activities. Further, the Court notes that Miles's problems have not  
6 prevented her from preparing 22 motions, requests, objections, and other filings in the  
7 instant action, all prior to the filing of her opening brief. In sum, in light of the additional six  
8 and a half months Miles was afforded in which to prepare her opening brief, the above-  
9 referenced statements on which she relies fail to constitute good cause for a further  
10 extension.

11 Accordingly, Miles's request is hereby DENIED, and the above-titled action is hereby  
12 DISMISSED for failure to prosecute.

13 The August 14, 2009 hearing on appellees' Motion for Order Declaring Grace Miles  
14 a Vexatious Litigant shall remain as scheduled on the Court's calendar.

15 **IT IS SO ORDERED.**

16  
17 Dated: July 10, 2009

  
MAXINE M. CHESNEY  
United States District Judge